

## **REMARKS**

### **Overview**

These remarks are set forth in response to the Final Office Action. Presently, claims 6, 7, 9, 10, 16, 17, 19, 20, 27-31 and 37-41 are pending in the Patent Application. Claims 6, 16, 27, and 37 are independent in nature. Favorable reconsideration and allowance of the pending claims are respectfully requested.

### **35 U.S.C. § 103**

Claims 6-7, 9-10, 16-17, 19-20, 27-31 and 37-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dyszel “Handspring Visor for Dummies”, (hereinafter “Dyszel”), Microsoft® Windows Version 5.1, copyright 2001 (hereinafter “Windows”) and United States Patent No. 6,009,338 to Iwata et al. (hereinafter “Iwata”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant submits that the cited references, taken alone or in combination, fail to teach each and every element recited in claims 6-7, 9-10, 16-17, 19-20, 27-31 and 37-41 and thus they define over the cited references. For example, with respect to claim 6, the cited references fail to teach at least the following language:

displaying a weekly view graphical image on a display  
screen, said display screen is switchable between a small

display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape using a sliding mechanism, wherein said weekly view graphical image comprises days of the week and appointment icons therein

According to the Office Action, the above-recited language is disclosed by the cited references. This assertion is respectfully traversed.

Applicant respectfully submits that claim 6 defines over the cited references because the cited references fail to disclose, teach or suggest at least the display screen being “switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.” As provided for in the Specification, the small display mode being substantially square in shape provides a significant technical advantage because, for example, the user interface displayed on the substantially square in shape display mode may be expanded, rather than replaced, when the tall display mode is activated. As stated in the Office Action, the quoted language is disclosed by Iwata, specifically stating that “as shown in Figure 1-2 and 32-33, the display screen is switched from a small display screen to a big display screen by sliding a mechanism on a mobile terminal,” then citing column 5, lines 56-59 and column 12, lines 54-60 for text descriptions of those figures. However, neither of the portions of text makes any reference to the dimensions of the display areas. Further, Applicant respectfully submits that the screen small display mode of Iwata shown in the cited figures is not “substantially square in shape,” and therefore does not disclose the claimed subject matter. For example, in Figure 1, the visible portion of the screen is a rectangle 2.2 inches wide and .95 inches tall, approximately a 2.3:1 proportion. Similarly, in Figure 32 the visible portion of the screen is 1.8 inches wide and 1.1 inches tall, approximately a 1.6:1 proportion, the screen more than half again as wide as it is tall. Applicant respectfully submits that a screen in which the width and height vary by this degree cannot read on a display mode which is “substantially square in shape.” Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 6.

Absence from the cited references of the above-mentioned claim elements negates obviousness. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 6. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 7, 9, and 10, which depend from claim 6, and therefore contain additional features that further distinguish these claims from the cited references.

Independent claims 16, 27, and 37 recite elements similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 16, 27, and 37 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 16, 27, and 37. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 17, 19, 20, 28-31, and 38-41 that depend from claims 16, 27, and 37, and therefore contain additional features that further distinguish these claims from the cited references.

### **Conclusion**

For at least the above reasons, Applicant submits that claims 6, 7, 9, 10, 16, 17, 19, 20, 27-31 and 37-41 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

Appl. No. 10/616,091  
Response Dated January 25, 2010  
Reply to Office Action of November 25, 2009

Docket No.: 1070.P3821  
Examiner: Zhou, Ting  
TC/A.U. 2173

It is believed that claims 6, 7, 9, 10, 16, 17, 19, 20, 27-31 and 37-41 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

KACVINSKY LLC

/John F. Kacvinsky/

John F. Kacvinsky, Reg. No. 40,040

Dated: January 25, 2010

KACVINSKY LLC  
4500 Brooktree Road  
Suite 102  
Wexford, PA 15090  
(724) 933-5529